

Oct 19 06 03:08p

NIXON PEABODY

UCT 19 2006

18667410075

p.1

**Nixon Peabody LLP**  
Attorneys at Law

100 Summer Street  
Boston, Massachusetts 02110-2131  
(617) 345-1000

Fax: (617) 345-1300

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (617) 345-1000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

**FAX**

| To:                       | Company                         | Fax #:         | Telephone #: |
|---------------------------|---------------------------------|----------------|--------------|
| 1) To Whom It May Concern | US PTO - Mail Stop Amendment AF | (571) 273-8300 |              |

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

|  |  |  |               |
|--|--|--|---------------|
| <b>From:</b> Ronald I. Eisenstein<br>Leena H. Karttunen  | <b>Date:</b> October 19, 2006  | <b>No. of Pages:</b><br>(including this page) 28 | 700157-048012 |
| <b>Practitioner's Docket No. 700157-048012</b>   |  | <b>PATENT</b>                                    |               |
| <b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>  |  |  |               |
| In re application of:  | David E. Fisher  | Group No.:                                       | 1642          |
| Application No.:   | 09/229,283   | Examiner:  | UNGAR, Susan  |
| Filed:   | January 13, 1999   | Customer No.:                                    | 40679         |
| Confirmation No.:  | 7211   |  |               |
| For:   | USE OF MICROPTHALMIA FOR DIAGNOSIS, PROGNOSIS AND/OR TREATMENT OF MELANO |  |               |
| <b>MAIL STOP AMENDMENT</b>   |  |  |               |
| Commissioner for Patents<br>PO Box 1450<br>Alexandria, VA 22313-1450   |  |  |               |
| <b>CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)</b>   |  |  |               |
| I hereby certify that this correspondence:   |  |  |               |
| 1. Certificate of Mailing/Transmission (1 pg.);<br>2. Statement of Limited Recognition (1 pg.);<br>3. Transmittal Form (1 pg); and<br>4. Amendment (8 pp.);<br>5. Declaration of David E. Fisher (12 pp.); Declaration (3 pp.); Copy of Hoogenboom Article (9 pp.);<br>6. Petition for Extension of Time in Duplicate (2 pp.); and<br>7. Fee Transmittal in duplicate (2 pp.). |  |  |               |

**IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (617) 345-1246. THANK YOU.**

CONFIRMATION: DATE SENT October 19, 2006 TIME 3:07pm BY Linda Michelle Pittsley

**INTEROFFICE TO:**    ☐ Albany    ☐ Boston    ☐ Buffalo    ☐ Garden City    ☐ Hartford    ☐ Manchester    ☐ New York City  
                              ☐ Northern Virginia    ☐ Orange County    ☐ Providence    ☐ Rochester    ☐ San Francisco    ☐ Washington

| To:                       | Company                      | Fax #:         | Telephone #: |
|---------------------------|------------------------------|----------------|--------------|
| 1) To Whom It May Concern | US PTO - Mail Stop Amendment | (571) 273-8300 |              |

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

|   |                               |  |                                     |
|---|-------------------------------|--|-------------------------------------|
| <b>From:</b> Ronald I. Eisenstein<br>Leena H. Karttunen | <b>Date:</b> October 19, 2006 | <b>No. of Pages:</b><br>(including this page) 28 | <b>Client/Matter:</b> 700157-048012 |
| <b>User #:</b> 7468                                     | <b>Ext:</b> 6054              | <b>Disbursement Amount:</b> \$                   |                                     |

10162686.1

RECEIVED  
CENTRAL FAX CENTER

OCT 19 2006

Practitioner's Docket No. 700157-048012

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David E. Fisher  
Application No.: 09/229,283  
Filed: January 13, 1999  
Confirmation No.: 7211  
For: USE OF MICROPHTHALMIA FOR DIAGNOSIS, PROGNOSIS AND/OR  
TREATMENT OF MELANOMA

Group No.: 1642  
Examiner: UNGAR, Susan  
Customer No.: 40679

## MAIL STOP AMENDMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Certificate of Mailing/Transmission (1 pg.);
2. Statement of Limited Recognition (1 pg.);
3. Transmittal Form (1 pg); and
4. Amendment (8 pp.);
5. Declaration of David E. Fisher (12 pp.); Declaration (3 pp.); Copy of Hoogenboom Article (9 pp.);
6. Petition for Extension of Time in Duplicate (2 pp.); and
7. Fee Transmittal in duplicate (2 pp.).

is on the date shown below being:

## MAILING

deposited with the United  
States Postal Service with  
sufficient postage as first class  
mail in an envelope addressed  
to:

## MAIL STOP AMENDMENT

Commissioner for Patents


P.O. Box 1450

Alexandria, VA 22313.

Date: October 19, 2006

## FACSIMILE

X transmitted by facsimile to the Patent  
and Trademark Office at (571) 273-  
8300.

  
SignatureTina-Michelle Pittsley

(type or print name of person certifying)

RECEIVED  
CENTRAL FAX CENTER  
OCT 19 2006

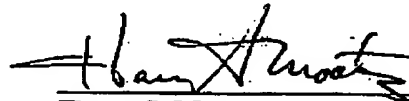
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)**

Leena H. Karttunen is hereby given limited recognition under 37 CFR § 11.9(b) as an employee of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is the client of Nixon Peabody LLP and an attorney or agent of record in the applications is a registered practitioner who is a member of Nixon Peabody LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena H. Karttunen ceases to lawfully reside in the United States, (ii) Leena H. Karttunen's employment with Nixon Peabody LLP ceases or is terminated, or (iii) Leena H. Karttunen ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Limited Recognition No. L0207  
Expires: February 11, 2007

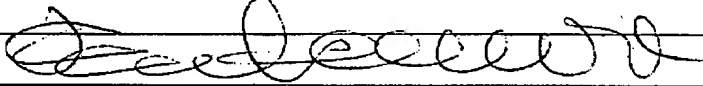


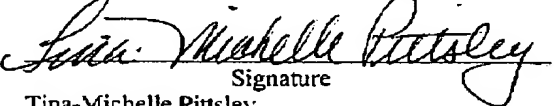
Harry I. Moatz  
Director of Enrollment and Discipline

RECEIVED  
CENTRAL FAX CENTER  
OCT 19 2006

|  |  |                        |                  |
|--|--|------------------------|------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |  | Application Number     | 09/229,283       |
|  |  | Filing Date            | January 13, 1999 |
|  |  | First Named Inventor   | FISHER, David E. |
|  |  | Group Art Unit         | 1642             |
|  |  | Examiner Name          | UNGAR, Susan     |
| Total Number of Pages in This Submission   |  | Attorney Docket Number | 700157-048012    |

| ENCLOSURES (check all that apply)   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input checked="" type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Declaration and Power of Attorney<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Application Data Sheet<br><input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures<br><input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt<br><input checked="" type="checkbox"/> Other Enclosure(s): (please identify below):<br>Facsimile Cover Sheet; Certificate of Mailing/Facsimile Transmission; Statement of Limited Recognition; Copy of Hoogenboom Article. |
| Remarks   | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |
|--|--|
| Firm or Individual name                    | Nixon Peabody LLP  |
| Signature                                  |  |
| Name                                       | Ronald I. Eisenstein (Reg. No. 30,628) / Leena H. Karttunen (L0207)                  |
| Date                                       | October 19, 2006   |

| CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]   |  |
|--|--|
| I hereby certify that this correspondence is being:  |  |
| <input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 |  |
| <input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.   |  |
| October 19, 2006<br>Date   | <br>Signature<br>Tina-Michelle Pittsley<br>Typed or printed name |

RECEIVED  
CENTRAL FAX CENTER

UCT 19 2006

Practitioner's Docket No. 700157-048012

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David E. Fisher

Application No.: 09/229,283

Group No.: 1642

Filed: January 13, 1999

Examiner: UNGAR, Susan

Confirmation No.: 7211

Customer No.: 40679

For: USE OF MICROPHTHALMIA FOR DIAGNOSIS, PROGNOSIS AND/OR  
TREATMENT OF MELANOMA

CERTIFICATE OF TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent via facsimile on the date shown below to the (571)-273-8300, MAIL STOP AMENDMENT, Commissioner for Patents.

Date: October 19, 2006

Tina-Michelle Pittsley

(type or print name of person mailing paper)

*Tina-Michelle Pittsley*  
Signature of person mailing paper

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Office Action of April 19, 2006, Applicants are submitting herewith a Petition and fee for three months extension of time. Please amend the above-identified application as follows:

**Listing of the Claims** begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.

**Declaration** under 37 C.F.R. 1.132 by Dr. Fisher is attached herewith. (Third Declaration of David E. Fisher under 37 C.F.R. 1.132).

10159909.2